

THE HONORABLE FRED VAN SICKLE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NICOLE LOGAN, et al,

Plaintiffs,

v.

CITY OF PULLMAN POLICE
DEPARTMENT; WILLIAM T.
WEATHERLY; DAN HARGRAVES;
RUBEN HARRIS; DON HERROF; and
ANDREW WILSON,

Defendants.

NO. CS-04-0214-FVS

ORDER DETERMINING
FAIRNESS AND APPROVING
SETTLEMENT

[PROPOSED]

Representative Plaintiffs (as defined in the Settlement Agreement), on behalf of themselves, and all Class Members (as defined in the Settlement Agreement) and the above-named Defendants have filed a motion for a fairness determination and have requested an Order determining the fairness of the settlement between Class Members and Defendants with prejudice and without costs. The said motion having come regularly before this Court, and the Court having considered all of the pleadings and papers, and having heard oral argument hereby

1
2 FINDS, ORDERS, ADJUDGES and DECREES as follows:

3 1. The Court has jurisdiction over the subject matter of this action and
4 over all parties to this action, including all Class Members as defined in the
5 Settlement Agreement.
6

7 2. The Court has determined, and hereby confirms, that the Class
8 Plaintiffs and Class Counsel adequately represent all Class Members.

9 3. The Court has determined, and hereby confirms, that full and
10 proper notice has been given to all eligible Class Members through mailing and
11 publication of the Class Notice. Legal notice was printed in The Daily
12 Evergreen, The Moscow-Pullman Daily News, Spokesman Review, and The
13 Seattle Times. Because the Daily Evergreen did not publish on weekends and
14 The Moscow-Pullman Daily News did not publish on Sunday, the legal notice
15 was printed for five consecutive publishing days in these papers. Additionally,
16 on October 6, 2008, Plaintiffs mailed the Mailed Notice to Class to the 145 class
17 members for which address information is available. The Court has determined,
18 and hereby confirms that the procedures specified satisfy the requirements of
19 FRCP 23 and the requirements of due process.
20

21 4. The time period for objections by Class Members has expired. No
22 Class Members objected in writing to Class Counsel and no Class Members
23 were present at the fairness hearing conducted on December 3, 2008 at 9 a.m.
24 Representative Plaintiffs and Class Members shall be, and hereby are, bound by
25
26

1 the terms of the Settlement Agreement and this Final Settlement Order and
2 Dismissal.

3 5. The Court finds that the settlement between the above-mentioned
4 parties, in accordance with the terms set forth in the Settlement Agreement, is
5 fair.
6

7 6. That all claims which were asserted or which could have been
8 asserted in this action by Representative Plaintiffs and/or Class Members against
9 the Released Parties (as that term is defined in the Settlement Agreement) are
10 hereby dismissed with prejudice and without costs. Representative Plaintiffs
11 and all Class Members are hereby barred and permanently enjoined from
12 asserting, instituting, or prosecuting any claims or causes of action against the
13 Defendants and Released Parties (as that term is defined in the Settlement
14 Agreement) in any forum relating to any of the matters described in the
15 Settlement Agreement.
16

17 7. The clerk is hereby directed to enter this Settlement Order and
18 Dismissal forthwith.

19 DONE IN OPEN COURT this _____ day of _____, 2008.

20
21 _____
22 Judge Fred Van Sickle
23
24
25
26

1 Presented by:

2 GORDON, THOMAS, HONEYWELL,
3 MALANCA, PETERSON & DAHEIM, LLP
4 Attorneys for Class Members

5 By: /s/ Darrell L. Cochran

6 Darrell L. Cochran, WSBA No. 22851
7 James W. Beck, WSBA No. 34208
8 David L. Sanders, WSBA No. 39697

9 KEATING, BUCKLIN & MCCORMACK, INC.
10 Attorneys for Defendants

11
12 By /s/ Stewart A. Estes

13 Andrew G. Cooley, WSBA No. 15189
14 Stewart A. Estes, WSBA No. 15535
15 Kimberly J. Waldbaum, WSBA 31529

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of December, 2008, I caused to have the foregoing document electronically filed with the Clerk of the Court and sent an electronic copy of such filing to the following:

- (1) Andrew George Cooley at acooley@kbmlawyers.com;
- (2) Stewart Andrew Estes at sestes@kbmlawyers.com;
- (3) Richard B. Jolley at rjolley@kbmlawyers.com;
- (4) Thaddeus P. Martin at tmartin@thadlaw.com;
- (5) Kimberly J. Waldbaum at kwaldbaum@kbmlawyers.com

DATED this 12th day of December, 2008.

/s/ Becky J. Niesen
Becky J. Niesen